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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 JUAN P. GOMEZ-GARCIA, No. C 08-5201 WHA (PR)

11 Petitioner, **ORDER OF DISMISSAL**

12 vs.

13 MICHAEL MARTEL, Warden; and  
14 JERRY BROWN, Attorney General of  
California,

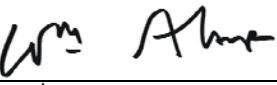
15 Respondents.

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17 This pro se habeas action was filed on November 17, 2008. On that same day the court  
18 notified petitioner that he had neither paid the filing fee nor applied for leave to proceed in  
19 forma pauperis. A copy of the court's form for applications to proceed in forma pauperis was  
20 provided with the notice, along with a return envelope. Petitioner was informed that if he did  
21 not either pay the fee or file the application within thirty days the case would be dismissed. No  
22 response has been received.

23 This case is therefore **DISMISSED** without prejudice. The clerk shall close this file.

24 **IT IS SO ORDERED.**

25 Dated: January 5, 2009.

26   
WILLIAM ALSUP  
27 UNITED STATES DISTRICT JUDGE